

BEFORE THE
ILLINOIS COMMERCE COMMISSION

ILLINOIS COMMERCE COMMISSION) DOCKET NO.
On Its Own Motion) 10-0668

-VS-

BUSHNELL, ILLINOIS, a Municipal Corporation

Citation for alleged violations of federal rules incorporated by the Illinois Commerce Commission.

Springfield, Illinois
Tuesday, June 21, 2011

Met, pursuant to notice, at 1:00 p.m.

BEFORE:

MR. MICHAEL WALLACE, Administrative Law Judge

APPEARANCES :

MR. JAMES V. OLIVERO
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701

(Appearing on behalf of Staff
Witnesses of the Illinois
Commerce Commission)

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter
CSR #084-002710

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3	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
4	(None)				
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13		<u>EXHIBITS</u>			
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15				<u>MARKED</u>	<u>ADMITTED</u>
16	(None)				
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PROCEEDINGS

JUDGE WALLACE: Pursuant to the direction of the Illinois Commerce Commission, I now call Docket 10-0668. This is the Illinois Commerce Commission on its own motion versus Bushnell, Illinois, a municipal corporation. This is a citation for alleged violations of federal rules incorporated by the Illinois Commerce Commission.

May I have appearances for the record, please, starting with the Commerce Commission?

MR. OLIVERO: Thank you, Your Honor. Appearing on behalf of the Staff witnesses, Matt Harvey and Jim Olivero. My address is 527 East Capitol, Springfield, Illinois 62701. And Mr. Harvey's is 160 North LaSalle Street, Suite C-800, Chicago, Illinois 60601.

JUDGE WALLACE: And for the Respondent Bushnell?

MR. SMITH: Good afternoon, Judge. My name is Gary Lloyd Smith. My business address is 1204 South Fourth Street, Springfield, Illinois. I am an attorney licensed to practice in Illinois, and I represent the City of Bushnell, the Bushnell

1 Municipal Utilities Division, in this proceeding.

2 JUDGE JONES: All right. Thank you. Let the
3 record reflect there are no other appearances at
4 today's hearing.

5 As I mentioned before going on the
6 record, this was originally assigned to Judge Tapia.
7 Judge Tapia has decided to go to greener pastures,
8 and I am Judge Wallace. I am taking this over, at
9 least for today's hearing.

10 I notice we are about -- I don't know
11 if we are a little bit behind on this case or not
12 but, anyway, what are the party's wishes on this?
13 Are we ready to set a schedule or do you want some
14 more time?

15 MR. SMITH: I think this is the first status,
16 Judge. The parties have been engaged in some
17 discussions, and I would like to think that, since I
18 sort of got into the case, we have made a little
19 faster headway. I think we have resolved some
20 matters, but that further time is needed in order to
21 engage in some negotiations. And although we haven't
22 quite gotten to the resolution point, we are going to

1 try to work towards a settlement, see what we can do.
2 So we would like to look at 60 or 75 days out,
3 whatever fits the convenience of all parties'
4 schedules.

5 Is that okay with you, Matt?

6 MR. HARVEY: That's fine with me, if it is fine
7 with Mr. Olivero.

8 MR. OLIVERO: Yeah, it is with me, actually. I
9 am looking at here and I know that -- we will do it a
10 little past 60 because I have Ameren rebuttal
11 testimony like the 23rd of August, and then I see we
12 have our Geneseo direct testimony due the 30th.

13 MR. SMITH: So after Labor Day? Do you want to
14 go off the record?

15 JUDGE WALLACE: We could go off the record.

16 (Whereupon there was then had an
17 off-the-record discussion.)

18 JUDGE WALLACE: Back on the record.

19 In an off-the-record discussion all
20 the parties have agreed that we will continue this to
21 August 31, 2011, at 10:00 a.m. Essentially, it will
22 be a status to further determine where we are. And

1 if necessary, we will establish further scheduling at
2 that point.

3 Anything further, gentlemen?

4 MR. HARVEY: Nothing from me, Your Honor.
5 Mr. Olivero, may have some.

6 MR. OLIVERO: Yeah, no, I don't think I do.
7 The only other point, I guess, as I just made with
8 Gary, was that I guess at that status hearing we
9 could convert it to an evidentiary hearing if we get
10 everything resolved and we are ready to go on that
11 date.

12 JUDGE WALLACE: I have no problem with that if
13 it is worked out between the two of you.

14 MR. SMITH: By settle, evidentiary status
15 hearing, that would be fine. If we are just
16 presenting our settlement, that's all we will do.

17 MR. OLIVERO: That's all I was talking about.

18 MR. SMITH: We will either do that or it will
19 just be a status for a contested situation. And
20 other than that I have nothing further.

21 JUDGE WALLACE: All right. We are continued.

22 (Whereupon the hearing in this

1 matter was continued until
2 August 31, 2011, at 10:00 a.m.
3 in Springfield, Illinois.)
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